

REMARKS

The Examiner has rejected claims 1, 5, 10, 14, and 19-21 under 35 U.S.C. §103 as obvious in view of Balko et al. (US 6,363,716) in combination with Hoard et al. (US 6,363,714). Claims 1-22 are pending in the patent application. Applicants have amended claims 11, 12, 14, and 22 to change their dependencies to what the Applicants intended.

The Examiner alleges that Balko et al. disclose a method for diagnosing operation of a nonthermal plasma discharge device disposed in the exhaust of an internal combustion engine...wherein said engine exhaust has a lean NOx trap (15) disposed downstream of the nonthermal plasma discharge device (34). Applicants traverse the Examiner's assertions. Nonthermal plasma discharge device (34) of Balko et al. is not disposed in the exhaust of an internal combustion engine. According to column 6, lines 42-45 of Balko et al: "Referring still to FIG. 1, this invention introduces a reducing gas having a particular reactive mixture through a reactive mixture duct 12 into the exhaust gas stream in exhaust gas stream duct 13." Element 34 is in "a reactive mixture duct 12" NOT in "exhaust gas stream duct 13." Applicants' claim 1 states: "wherein an engine exhaust has a lean NOx trap disposed downstream of the nonthermal plasma discharge device." Balko et al. do not show a nonthermal plasma discharge device in an engine exhaust in any of Figures 1-4. Because neither Balko et al. or Hoard et al. show an "engine exhaust has a lean NOx trap disposed downstream of the nonthermal plasma discharge device" of Applicants' claim 1, no combination of the two references can show Applicants' invention. Applicants respectfully request that the Examiner withdraw the rejection to claim 1 and claims 2-9 which depend therefrom.

Applicants' claim 10 contains: "wherein said engine exhaust has a lean NOx trap disposed downstream of the nonthermal plasma discharge device," which Balko et al. and Hoard et al. do not show singly or in combination. Applicants request withdrawal of the rejection to claim 10 and claims 11-18, which depend therefrom.

Applicant's claim 19 has: "a nonthermal plasma discharge device disposed in the exhaust of the internal combustion engine." Balko et al. do not show a

nonthermal plasma discharge device disposed in the exhaust. Instead, Balko et al. show such a device in "a reactive mixture duct 12," column 6, line 44. Applicants request withdrawal of the rejection to claim 19 and the claims which depend from claim 19, claims 20-22.

No other art is cited in the Office Action. Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



Diana D. Brehob
Agent of Record
Registration No. 51,496

Ford Global Technologies, LLC
Suite 800
330 Town Center Drive
Dearborn, Michigan, 48126
Telephone or FAX: 313 322-1879
Customer No. 022844
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